

# United States District Court

EASTERN DISTRICT OF WISCONSIN

## JUDGMENT IN A CIVIL CASE

**VIRGIL M. SMITH,**

Petitioner,

V.

CASE NUMBER: **05-C-382**

**CATHY JESS,**

Respondent.

- ☐ **Jury Verdict.** This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.
- ☒ **Decision by Court.** This action came on for consideration and a decision has been rendered.

IT IS ORDERED AND ADJUDGED that **Virgil M. Smith's** petition pursuant to Title 28, United States Code, Section 2254, is **DISMISSED WITHOUT PREJUDICE** as moot because he has not exhausted his available state remedies. This action is hereby **DISMISSED.**

October 20, 2005

Date

SOFRON B. NEDILSKY

Clerk

s/ Linda M. Zik  
(By) Deputy Clerk